

## **CHAPTER 13 INTERGOVERNMENTAL COORDINATION ELEMENT**

Roswell's 2020 Comprehensive Plan included an Intergovernmental Coordination Element. An Intergovernmental Coordination Element was not required at that time but is now one of the mandatory plan elements for faster-growing cities and counties. This chapter draws on the prior adopted element and adds several considerations as required by minimum planning standards for intergovernmental coordination. It identifies existing coordination mechanisms and further opportunities for such coordination.

More and more, effective planning efforts for community facilities, environmental protection, transportation, and land use are increasingly beyond the abilities of single jurisdictions. This chapter identifies areas where intergovernmental coordination is ongoing, as well as, issues that may require intergovernmental cooperation in the future. The examples of possibilities for intergovernmental coordination are intended to be illustrative, not exhaustive. Roswell should continue to look for ways to increase the levels of cooperation in all functional areas.

### **RELATIONSHIP TO OTHER PLAN ELEMENTS**

This element is not unique in terms of “substance.” That is, it is intended to cut across the various substantive elements of the Comprehensive Plan (Community Facilities, Land Use, Natural Resources, etc.) and provide an overall framework for pursuing intergovernmental coordination. In that light, this element frequently cross-references the other elements of the Comprehensive Plan and notes how other elements call for such intergovernmental coordination efforts.

### **Housing Element**

The Housing Element makes note of regional housing needs and housing policies adopted by the Atlanta Regional Commission. If a regional fair share housing policy is ever developed by ARC, Roswell would need to work cooperatively with the regional agency to determine and implement Roswell's share of regional housing needs.

Roswell has access to Community Development Block Grant (CDBG) funds administered through Fulton County. It also has access to HOME funds. It is important to consider ways in which both city and county CDBG and HOME funds can be coordinated and targeted to make the greatest impact on community development needs.

The City's Public Housing Authority is required to report to and interact with the U.S. Department of Housing and Urban Development. That relationship, which lies outside the mainstream of the City's daily operations, should be recognized and the Community Development Department should be involved in discussions about how public housing in Roswell might evolve or change, consistent with changes in federal housing policies. There are also private or quasi-public social service providers described in the Housing Element. Those groups, while not governments per se, deserve attention in terms of coordinating common objectives. Similarly, it may make sense to consider regional or multi-government approaches to creating community development corporations or housing trust funds, if those alternative policies are pursued to further the City's housing policies. The Community Development Department should also monitor housing programs and resources available from the Georgia Department of Community Affairs.

### **Economic Development Element**

State and federal agencies are a source of continuing data collection and reporting on economic conditions. These include the U.S. Bureau of Labor Statistics, the U.S. Census Bureau, and the Georgia Department of Labor, among others. The Community Development Department should continue to monitor available data on economic conditions, labor force, and employment as needed. This does not require “coordination,” per se, but it is important to highlight the relationship of these agencies as data service providers to the City. Unemployment assistance is largely a state function that does not involve Roswell.

Economic development strategies of the City should be coordinated with Fulton County since the City is part of the larger economy. Economic development policies of the City and county, to the extent they intersect one another, will need to be coordinated. Roswell should solicit any available resources of Fulton County in the pursuit of large economic development or redevelopment opportunities.

Employment projections are provided for the City in the Economic Development Element. The Atlanta Regional Commission is a primary source of data on employment. Projections of employment by the City need to consider projections and forecasts prepared by the regional agency. Where local and regional employment forecasts are not in alignment with one another, the differences should be explained and efforts should be made to bring them into alignment.

The section of the Economic Development Element on “Economic Development Resources” describes a number of government and quasi-public agencies that can assist with the pursuit of economic development strategies in Roswell. These include the Greater North Fulton and Metro Atlanta Chambers of Commerce, among others. Various resources of state agencies, such as the Georgia Department of Technical and Adult Education, can be capitalized upon in the pursuit of Roswell’s economic development objectives. Colleges and universities, as well as the Fulton County School System, are potential partners in future efforts to improve educational levels of the population and labor force.

A community improvement district has formed in a small part of Roswell (near Mansell Road) which may need to coordinate improvements with City departments. If a tax allocation district were ever created in Roswell, the City would be required to work closely with the Fulton County Tax Commissioner. Internally, the City has a Convention and Visitors Bureau that conducts economic development-related functions that require continued attention with regard to coordination. The economic development action plan references several other agencies and indicates how they can assist with implementation of the Economic Development Element.

### **Redevelopment Element**

Streetscape improvement programs proposed in the Redevelopment Element will require coordination with the Georgia Department of Transportation to the extent they occur along state routes. Access roads and parking decks are identified as tools for redevelopment, and their implementation may require working with the City’s Downtown Development Authority. The Redevelopment Element, in fact, calls for the reconstituting of that city agency.

### **Natural Resources Element**

Implementation of protection measures in the Big Creek water supply watershed is a key coordination challenge. The Natural Resources Element describes the requirements and this element discusses further the intergovernmental coordination efforts implemented to date. The protection of wetlands in the City requires the Engineering Division of the Community Development Department to work with federal agencies – the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and sometimes the U.S. Fish and Wildlife Protection Agency in the delineation and protection of wetlands (or disturbance of them and mitigation of losses to the wetland inventory).

Review of development within the Chattahoochee River corridor requires special reviews for consistency with the Atlanta Regional Commission's Chattahoochee Corridor Plan. The Community Development Department coordinates those reviews with ARC's participation. When development occurs in flood plains (which is largely prevented by Roswell's regulations), flood plain maps must be updated and the Department of Community Development has to report variances to the flood plain regulations to the Federal Emergency Management Agency. The Fulton County Extension Agent and the Soil and Water Conservation District serve as resources to the City in terms of soil conservation and certain development and erosion control practices. While Roswell does not directly enforce federal laws and rules for endangered species, there is some interaction with the U.S. Fish and Wildlife Service and the State Department of Natural Resources if issues of protected or endangered species arise in development proposals. As noted later in this chapter, the existence of the Chattahoochee River National Recreational Area in Roswell suggests that the City should coordinate with the National Park Service and ideally look for ways to co-deliver certain law enforcement activities in nationally designated areas. Fulton County also has assisted in the provision and management of lands along the Chattahoochee River.

The Georgia Greenspace Program was a legacy of the Roy Barnes gubernatorial administration. Under Governor Sonny Perdue, the program as of 2005 has been reinvented to now require attention to statewide conservation objectives and focus on private ownership (as opposed to a goal of 20% protected greenspace, mostly public ownership, for faster growing counties only). The new program replacing the Georgia Greenspace Program will become a source of funds for continuation of conservation efforts in Roswell.

### **Historic Preservation Element**

With the exception of review by the Historic Resources Division of the Georgia Department of Natural Resources in terms of the future designation of historic properties, districts and sites, the Historic Preservation Element does not require coordination with any external government agencies. Roswell has received grant funding before from that division of DNR for survey and planning of historic resources.

Internally, policies of the Historic Preservation Element are implemented by the City's Historic Preservation Commission. Policies support coordination with the Convention and Visitors Bureau with regard to historic preservation efforts. Federal and state fiscal and taxation laws and programs have a bearing on the success of individual efforts to preserve historic structures and sites. The City's Community Development Department and Historic and Cultural Affairs Manager must also work closely together to align capital projects planning to meet preservation plan objectives.

### **Land Use Element**

Primary intergovernmental coordination activities with regard to land use include (1) dispute resolution processes when annexation and land use disputes arise, (2) coordination of land use planning, (3) developments of regional impact, and (4) coordination with regional development plan policies of the Atlanta Regional Commission. These are discussed in a later section of this chapter.

### **Development Impact Fee Methods**

Chapter 11 of the Comprehensive Plan addresses the City's development impact fee program. The City implements its program without the involvement of any other local government. However, it is noted here that intergovernmental agreements are specifically required by Georgia's Development Impact Fee Act of 1990 if an impact fee is charged for a facility that is provided in more than one jurisdiction. If a library impact fee was charged for libraries, for example, that would necessitate an intergovernmental agreement between Roswell and the Atlanta-Fulton County Library System.

### **Community Facilities and Services Element**

The coordination of the delivery of facilities and services is complex and multi-faceted. Many of the facilities and services that Roswell's residents and businesses receive are provided by Fulton County (as well as the Fulton County School System). Hence, the City is required to cooperate with numerous county departments. Policies of the Community Facilities and Services Element specifically address ways in which Roswell needs to cooperate with the Fulton County School System. Intergovernmental agreements with Fulton County are specifically identified in the Community Facilities and Services Element and reiterated in this chapter.

The following sections identify specific governments and agencies that Roswell will need to coordinate with during the planning horizon. They begin with local (city and county) governments and then move to a discussion of regional agencies then state and federal agencies.

### **CITY OF ALPHARETTA**

Roswell shares a lengthy common border with the City of Alpharetta. Both cities also have annexed significant portions of unincorporated Fulton County. Much potential exists for Roswell and Alpharetta to coordinate city actions in the areas of land use (as described further below), annexation planning, and community facilities planning. Two areas that are particularly worthy of future intergovernmental coordination include (1) agreement on mutually exclusive annexation "spheres of influence" and (2) reciprocity agreements with regard to public safety services and road improvements. Roswell's annexations should not infringe on agreed upon areas that are within Alpharetta's sphere of influence, and vice versa.

Work has recently begun on securing agreements between Roswell and Alpharetta for the annexation of unincorporated "island" areas. Roswell has proposed that Alpharetta and Roswell each annex the unincorporated lands (many along Rucker Road) in between the two cities.

### **CITY OF MOUNTAIN PARK**

Mountain Park is a small municipality that is surrounded by Roswell's city limits and the Cherokee County line. As a small municipality, Mountain Park has limited property tax revenues with no ability to expand. Small municipalities such as Mountain Park may not be able to achieve an efficient economy-of-scale with regard to the provision of certain services. Roswell should be open to considering various cooperative agreements or contracts to provide services to the City of Mountain Park. For instance, in 1998 Roswell assumed the public safety duties for Mountain Park per intergovernmental agreement.

### **ALTERNATIVE FORMS OF GOVERNANCE IN NORTH FULTON COUNTY**

For many years now, there has been a desire among some North Fulton County residents to recreate old Milton County.<sup>1</sup> There was a study of governance in North Fulton County by the Carl Vinson Institute of Government which looked at prospects for consolidation of Roswell, Alpharetta, and North Fulton into one municipality (among other options).

Similarly, south of the Chattahoochee River in unincorporated Sandy Springs, there has been a longstanding desire to incorporate. At the time of this writing, a bill to incorporate Sandy Springs was reportedly in the making. Either event would have a substantial bearing on issues that affect the City of Roswell.

In addition to these efforts, the City of Alpharetta in 2004 considered annexing much of the entire remaining area of North Fulton County above the Chattahoochee River. Alpharetta reportedly found such a large annexation of low-density residential development to be not financially viable for the city, leading to yet another possible alternative form of government in North Fulton County, namely, a new municipality. A bill to incorporate most of unincorporated northwest Fulton County was reportedly being considered for drafting and initiation at the time of this writing to create a new city.

Roswell will continue to monitor these proposals and consider how they are or are not in its best interests. One of the most potentially divisive issues in that regard is how such alternative proposals (incorporations) would affect Roswell's share of countywide sales and special sales taxes. Such issues, if and when they surface, will require the attention of city officials. Such considerations probably only impact this Comprehensive Plan, however, with regard to the City's financial capacity (i.e., how much money it has for capital improvements, for instance).

### **FULTON COUNTY**

Because Fulton County is a major service provider to the residents of Roswell, there are almost unlimited opportunities to coordinate service provision. Some of the areas where coordination is ongoing or recommended are described below.

#### **Fulton County Fire Department**

Mutual aid agreements already exist between Roswell and Fulton County for the joint response to fire calls. Such agreements should be revisited periodically to determine whether they continue to reflect the most appropriate arrangements for intergovernmental cooperation. An

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<sup>1</sup> North Fulton County was once its own county, "Milton County." Historical accounts note that Milton County and Campbell County (which today is S. Fulton) merged with Fulton County during the great depression years (1930s) for financial reasons.

outstanding recent example of cooperation has been the county's agreement to serve Roswell's eastside annexation area until the City constructed its own fire station in the vicinity.

### **Fulton County Board of Education**

Planning for schools is the responsibility of the Fulton County Board of Education. The school board generally requests input on capital facilities plans for short-term facility improvements, including the location of new schools. The public participation process revealed a need for better coordination with the Board of Education with regard to school size, location, and off-site impacts. The Roswell Recreation and Parks Department has fostered a cooperative relationship with the county school system with regard to joint recreational facilities. The City's Sweetapple soccer fields, located adjacent to the Sweetapple Elementary School, are one example of cooperation in facility planning. Another is the agreement between Crabapple Middle School and the City Recreation and Parks Department for joint use of the ballfields.

One of the areas of coordination between the City and school board is in the provision of sidewalks. As an example the 2020 Comprehensive Plan noted how the school board had to run a school bus route along Warsaw Road because the City does not have sidewalks on both sides of Warsaw Road in the area of the Mimosa Elementary School. Roswell's provision of a sidewalk along the east side of Warsaw Road would obviate the need for that school bus route.

Other opportunities exist for school access and safety programs to be jointly delivered by the school system and City. Furthermore, City and school officials met in November 1999 to discuss coordination of planning efforts. That discussion resulted in the identification of numerous ways the City and county should coordinate efforts, including facility sharing, identification of school locations, database construction, and development review.

### **Fulton County Water Department**

Fulton County provides water supply and distribution services to approximately three-quarters of the city limits. Roswell provides its own water service only to a limited geographical area of the City. Service Delivery Strategies require that service areas be clearly defined and adopted via intergovernmental agreement to reduce prospects for future conflicts.

### **Fulton County Sanitary Sewer Service**

All sanitary sewer services in Roswell are provided by Fulton County. Roswell has a contract with the county to provide sewer capacity.

### **Atlanta-Fulton County Library System**

The City and Atlanta-Fulton County Library Board need to plan for the future library space needs of Roswell.

### **Fulton County Parks and Recreation**

Roswell's Recreation and Parks Department has forged partnerships with Fulton County with regard to the provision of parkland to Roswell's residents. Fulton County's agreement to lease

the linear park along the Chattahoochee River west of SR 9 for its “Riverwalk” project is an outstanding example of cooperation.

### **Fulton County Arts Council and Cultural Facilities**

The City participated with the Fulton County Arts Council in the development of a Community Cultural Plan. The City has also been a member of the North Fulton Cultural Facility Task Force, which looked at possible new cultural facilities serving North Fulton County.

### **Atlanta-Fulton County Emergency Management Agency**

This agency is responsible for the preparation and implementation of emergency management contingency plans in response to catastrophic events such as flood, earthquake, and other natural disasters, as well as toxic waste spills and other events. Roswell, as part of Fulton County, is covered under such contingency plans and should play an active role in the preparation, update, and implementation of such plans.

## **REGIONAL AGENCIES AND AUTHORITIES**

### **Atlanta Regional Commission**

The Atlanta Regional Commission (ARC) is much better known for its role in regional environmental, land use, and transportation planning. However, ARC is actually a service provider in many respects. The agency provides planning data and technical services to local governments. It sponsors regional plans for community facilities and services, including water supply, wastewater management, transportation and air quality, human services, public safety, and other functional planning areas. ARC is designated as the Area Agency on Aging by the Georgia Department of Human Resources and administers federal funds for projects. The regional agency is also working with the Georgia Regional Advisory Council (Region 3) in various workforce development programs. ARC is fostering cooperative approaches to solve regional problems and address extraterritorial issues. ARC also provides training for citizens and planning officials, provides a monthly Land Use Coordinating Committee for planners in the regions, and conducts numerous workshops and sponsors conferences on planning-related topics. ARC is a “regional development center” and in that sense also has review responsibilities with regard to local comprehensive planning.

### **Metropolitan Atlanta Rapid Transit Authority**

Roswell will need to work with MARTA in any future plans to extend heavy rail through Roswell along Georgia 400, in planning transit-supportive developments along existing and proposed bus routes, in the installation of bus shelters and pedestrian plazas, and in the siting of park and ride lots. As traffic congestion increases in Roswell, MARTA will likely play an increasing role in the transportation needs of Roswell’s residents and work force. However, as the Transportation Element notes, MARTA bus service has been reduced in Roswell. The City’s land use and transportation plans should be reviewed by MARTA for consistency with public transportation plans. In addition, major developments along MARTA routes should be reviewed for consistency with principles of transit-friendly and transit-supportive development.

### **Metropolitan North Georgia Water Planning District**

This district was established by the Georgia General Assembly in 2001 via Senate Bill 130 to address the pressing need for comprehensive water resources management in metropolitan north Georgia. The main purpose of the district is to promote intergovernmental coordination for all water issues, to facilitate inter-jurisdictional water-related projects, and to enhance access to funding for water-related projects among local governments.

The district's jurisdiction encompasses 16 counties including Fulton. It is required by state law to prepare three long-term plans: a long-term wastewater management plan; a water supply and water conservation management plan; and a district-wide watershed management plan. Each of these three regional plans have been prepared and were released in June 2003. An update of the plans must occur every five years.

## **KEY STATE AGENCIES**

### **Georgia Regional Transportation Authority**

The Georgia Regional Transportation Authority was created in 1999 by the Georgia General Assembly via the Georgia Regional Transportation Authority Act (Senate Bill 57) at the urging of then-Governor Roy Barnes. The authority has jurisdiction over any county that is designated by the U.S. Environmental Protection Agency as a nonattainment area under the U.S. Clean Air Act amendments of 1990. Currently, the authority has jurisdiction over thirteen counties in the metropolitan Atlanta area. The authority has many broad powers, including development of a regional transportation plan and control over public transportation systems. Roswell's transportation plans are subject to review and approval of the authority if the City's plans fail to meet the overall vision of the authority. In addition, the authority has powers to restrict access to roadways within its jurisdiction. Failure of the City to cooperate with the authority would result in the loss of all state grants except those related to physical and mental health, education, or police protection.

The Georgia Regional Transportation Act also creates special districts in each of Georgia's 159 counties, and these are deemed activated when the authority obtains jurisdiction over the county through the nonattainment designation. Hence, there exists a special district for Fulton County, and the special district has authority to levy taxes, fees, and assessments to pay for the cost of providing services and constructing facilities to further the authority's mission. The 15-member board of the authority is also the Governor's Development Council, which is responsible for formulating a statewide land use plan. In this sense, the authority has statewide jurisdiction.

### **Georgia Department of Transportation (GDOT)**

In addition to the need to maintain a cooperative relationship with the Georgia Regional Transportation Authority, the need also exists to continue to foster new relationships with the Georgia Department of Transportation (GDOT). Roswell receives state and federal transportation funds through GDOT. The City has for some time now worked on beautification and streetscape improvement projects (including the proposed installation of bus shelters) for major highway corridors in the City. These proposals and plans require approval of GDOT, and some of the ideas for streetscape improvement probably necessitate reconsideration of state standards and rules.



For example, landscaping of highway medians may not meet all traffic safety standards. Pedestrian crosswalks are needed along various stretches of highway (e.g., Alpharetta Highway at the hospital, Alpharetta Street between Norcross Street and Crossville Road/Holcomb Bridge Road) where no cross-street/highway intersection exists. Such pedestrian crosswalks across highways, outside the context of signalized intersections, reduce the carrying capacities of the road and speeds of motorists, which are two reasons why GDOT is often reluctant to approve of pedestrian crosswalks. The primary purpose of highways is interurban travel, but there are also responsibilities to accommodate pedestrian as well as vehicular travel in cases where demand exists. Negotiations are needed to provide new permissions that are currently outside the historical mainstream of GDOT policy, though any suggested changes must respect the important safety and operational standards on which that GDOT policy and rules are based. There is evidence that GDOT is beginning to embrace principles of “context sensitive street design.” While that is viewed as a promising trend, it is recognized that City and GDOT relationships would improve further if City and state visions for roadways like Alpharetta Street (SR 9) in Midtown Roswell can be brought into full alignment.

### **Georgia Department of Natural Resources**

Interaction with the Department of Natural Resources is required in terms of the City’s historic preservation activities. In addition, there is close and routine coordination between this state agency and the Engineering Division of the City’s Community Development Department as well as the Public Works/Environmental Department.

### **Georgia Department of Community Affairs**

This state department has major review functions in terms of this comprehensive plan. State policies are sometimes articulated by this agency. The Department of Community Affairs provides extensive resources in the areas of building codes, coordinated planning, and housing, among others.

### **U.S. NATIONAL PARK SERVICE**

The City owns property adjacent to the Vickery Creek Unit of the Chattahoochee River National Recreation Area, which lies within the city limits. The national recreation area is managed by the National Park Service. The City has cooperated with the National Park Service in the past with regard to planning and coordinating recreational opportunities. There are other opportunities for cooperation with the National Park Service, including joint-management and policing arrangements, among others. Park Service rangers and City police should be open to coordination mechanisms that will help satisfy common objectives and secure economies in service provision. Any bridges for the Chattahoochee River path system within the National Recreation Area will require coordination with the Park Service.

### **APPALACHIAN REGIONAL COMMISSION**

Roswell, as part of Fulton County, is within the jurisdiction of the Appalachian Regional Commission. Fulton County is part of the local development district operated out of the Atlanta Regional Commission. The Appalachian Regional Commission is a multi-state federal agency that was created in 1965 for the purpose of creating opportunities for self-sustaining economic development and improving the quality of life of north Georgia residents. The Commission is a potential source of state and federal resources to assist the City with various programs.

In its strategic plan, *Setting a Regional Agenda*, the Appalachian Regional Commission establishes a mission statement and five major goals. The mission statement is to advocate for and partner with the people of Appalachia to create opportunities for self-sustaining economic development and improved quality of life. Its goals include ensuring skills and knowledge of residents to compete in the world economy of the 21<sup>st</sup> century, providing proper infrastructure for sustained economic development, mobilizing capacity for sustained progress, having access to financial and technical resources, and access to quality, affordable health care. Goals and policies of the City's Comprehensive Plan are considered consistent with the programs and policies of the Appalachian Regional Commission, with no need for refinement or modification.

### **SERVICE DELIVERY STRATEGIES**

In 1997, the state passed the Service Delivery Strategy Act (HB 489). This law mandates the cooperation of local governments with regard to service delivery issues. Each county was required to initiate development of a service delivery strategy between July 1, 1997, and January 1, 1998. Service delivery strategies must include an identification of services provided by various entities, assignment of responsibility for provision of services and the location of service areas, a description of funding sources, and an identification of contracts, ordinances, and other measures necessary to implement the service delivery strategy. The city administrator and various department heads were involved in the process of discussing service delivery strategies since those discussions were initiated by Fulton County in 1997.

Changes to service arrangements described in a service delivery strategy require an update of the service delivery strategy and an agreement by all parties. Because of this provision, it is likely that the need for intergovernmental coordination with regard to service delivery strategies will continue into the future. In addition, service delivery strategies must be updated every ten years and it being updated concurrent with the comprehensive planning process. The Service Delivery Strategy Act also mandates that land use plans of different local governments be revised to avoid conflicts.

### **SUBSTANTIVE ISSUE AREAS**

#### **Annexation**

The Service Delivery Strategy Act requires that local governments establish processes to resolve land use classification disputes when a county objects to a municipal annexation within its jurisdiction. Roswell has actively participated in the effort to establish an intergovernmental agreement regarding land annexation dispute resolution. Cities are strongly encouraged by state administrative rules for local comprehensive planning to plan land uses for areas that are or may be reasonably expected to become a part of the municipal limits during the next ten years.

In addition to having a dispute resolution procedure, Roswell should continue efforts to be clear on preferences and intentions with regard to annexation vis-à-vis the City of Alpharetta and Fulton County. Clarifying intentions on annexation benefits Fulton County in its planning for capital facilities over the planning horizon. For instance, Fulton County's fire station service areas may be drawn more efficiently and accurately if Roswell forecasts where their future City limits will be. In lieu of annexation or until annexation occurs, Roswell and Fulton County could come to certain formal arrangements for the provision of facilities and services in those areas. For example, the northwest corner of unincorporated Fulton County is surrounded by Roswell

city limits and the Cherokee County line (i.e., Little River). This leaves an isolated unincorporated area that requires service by Fulton County for police and fire protection. Because Roswell's police already patrol the immediate area, it would be much more efficiently served by Roswell, whether inside the city limits or not.

### **Developments of Regional Impact (DRIs)**

This process was created by the Georgia Planning Act of 1989 and rules adopted by the Georgia Department of Community Affairs. It provides for regional and local government review of projects that meet certain thresholds for size (e.g., number of dwelling units). This process provides an opportunity for local governments to communicate and coordinate with regard to land use policy and improvements to community facilities and services. After the Georgia Regional Transportation Authority was created in 1999, it established its own rules for developments of regional impact. GRTA, ARC, and the Georgia Department of Community Affairs all play significant roles in this process.

### **Land Use Conflict Identification and Resolution Procedure**

The Service Delivery Strategy Act (1997) requires that local governments must amend their land use plans to eliminate conflicts and ensure compatibility with adjacent land use plans. The intent of these provisions is to protect citizens near borders of local government jurisdictions from land use conflicts.

The City had previously agreed that the land use plans of adjacent local governments are compatible and do not create conflict. Recognizing that some possibilities exist for land use plans of different local governments to be amended over time in a manner that they are incompatible, the county and cities developed a cooperative procedure with regard to land use plan amendments.

The cooperative procedure for identifying and resolving land use plan conflicts specifies that with every annual or regularly scheduled land use plan update, planning staffs of the respective local governments will meet and allow 60 days for affected jurisdictions to respond. Every effort is supposed to be made by staff to reconcile conflicts. Only the local governing bodies can declare that a conflict exists, and if a conflict exists that cannot be resolved, then the conflict resolution procedure dictated by the Georgia Planning Act applies. In addition, it should be noted that cooperation on planning matters could also be done through the existing plan review notification procedure (routinely performed by the Atlanta Regional Commission).

### **Public Property – Land Use Agreement**

With respect to county properties within Roswell, it is anticipated that Roswell and Fulton County will be guided by a Court of Appeals of Georgia ruling in 2002 in the case, City of Decatur v DeKalb County. In that case, the court ruled that county buildings were not subject to city zoning ordinances, but buildings were not exempt from compliance with other city building regulations. Hence, county government construction projects on county-owned property are not exempt from all city building regulations. The court cited the Georgia Supreme Court decision in Macon Assn. for Retarded Citizens v Macon-Bibb Planning Commission (1984) that county-owned property that is used for governmental purposes is not subject to municipal zoning regulations. In certain cases of regulation, such as soil erosion and fire safety, the court

reasoned that the Georgia General Assembly specifically granted cities powers of regulation which does not exempt county buildings from city ordinances.

### **Air Quality**

The U.S. Environmental Protection Agency has designated a thirteen-county area around Atlanta as a non-attainment jurisdiction for ozone. Ozone is created by a photochemical reaction of a mixture of organic compounds and nitrogen oxides (created by fuel combustion) and is a major air pollutant in the lower atmosphere. The City of Roswell will need to cooperate with any regional air quality plan mandated by the U.S. Environmental Protection Agency and transportation plan prepared by the Atlanta Regional Commission and the Georgia Regional Transportation Authority.

### **Joint Training in Erosion Control Inspection**

In 1998, Roswell, Alpharetta, and the Fulton County Soil and Water Conservation District formed a partnership for on-going erosion control training.

### **Water Supply and Water Conservation**

The *Water Supply and Water Conservation Management Plan*, prepared by the Metropolitan North Georgia Water Planning District, includes policies and programs to foster coordinated water supply and conservation decisions among the local governments in the 16-county district, including Fulton County and Roswell. Water reclamation, conservation (11 specific measures), and system connections (in the event of failure or drought) are integral elements of the plan.

Local governments are expected to integrate this regional plan and implement local water plans consistent with the district's management plan. The plan took into consideration the tri-state water limitation negotiations (Georgia, Florida, and Alabama), and it is designed to meet the Georgia Environmental Protection Division's (EPD) in-stream water quality and flow standards, according to water use classification. Even with the strategies outlined in the regional water plan, district water supplies will exceed demands by only approximately 10 percent in 2030.

The water plan is intended to be flexible in that it has provisions for the development and updating of local plans and updating of the regional water plan every five years. Core goals of water conservation, new reservoirs, sharing of resources, interconnection requirements, and reclamation and reallocation provisions will not be changed to accommodate local preferences.

The plan recommends five local reservoirs in the near future that are currently in various stages of the permitting process. These reservoirs may provide an additional 114 million gallons per day (MGD) of water supply in the district. Most existing water treatment plants will remain in service, but some service areas will need to be reconfigured by 2030 and treatment methods will need to be standardized to meet interconnection requirements.

Four new treatment plants are planned by 2005 which will add 168 MGD of capacity. As also noted in the discussion of the district's *Long-Range Sewer Management Plan*, the water plan relies on indirect potable reuse (i.e., reclaimed water that is returned to water supply) to meet

future potable water demands. Conservation efforts are forecasted to provide a savings of up to 9 percent in water use by 2030. These water conservation measures will be implemented by 2006 and continue thereafter throughout the planning horizon to 2030.

**Table 13.1**  
**Water Conservation Program Measures**  
**Metropolitan North Georgia Water Planning District**

<ul style="list-style-type: none"> <li>• Conservation pricing</li> </ul>	<ul style="list-style-type: none"> <li>• Distributing low-flow retrofit kits to residents</li> </ul>
<ul style="list-style-type: none"> <li>• Assess and reduce water system leakage</li> </ul>	<ul style="list-style-type: none"> <li>• Conducting commercial water audits</li> </ul>
<ul style="list-style-type: none"> <li>• Legislation requiring plumbing retrofits on home resales</li> </ul>	<ul style="list-style-type: none"> <li>• Conducting residential water audits</li> </ul>
<ul style="list-style-type: none"> <li>• Legislation to require low-flush urinals for new non-residential buildings</li> </ul>	<ul style="list-style-type: none"> <li>• Implementing an education and public awareness plan</li> </ul>
<ul style="list-style-type: none"> <li>• Requiring sub-unit meters in new multi-family residential buildings</li> </ul>	<ul style="list-style-type: none"> <li>• Review and oversee water conservation implementation and performance</li> </ul>

Source: Metropolitan North Georgia Water Planning District. *Water Supply and Water Conservation Management Plan*. Atlanta: Atlanta Regional Commission.

Water is moved from areas where it is available to areas where it is needed. Transfers of water occur among cities, counties, and basins. Through interbasin transfers, the Chattahoochee River Basin is a net exporter of water. For instance, the Ocmulgee River Basin's residents are currently heavily reliant on water interbasin transfers (126 MGD) from the Chattahoochee River Basin via DeKalb County. Water (19 MGD) is also transferred from Lake Allatoona (Etowah River Basin) to the Chattahoochee River Basin within Cobb County. The regional water plan includes interbasin transfers within the district to better share water resources, and it includes using water from the Etowah Basin to serve portions of the northern Chattahoochee Basin. Water systems in the district will need additional connections with adjacent systems to meet targets for district-wide interconnection reliability by 2030.

Local government responsibilities for implementation of the regional water plan include the following:

- Own and operate utilities that manage water supply systems and water conservation programs.
- Plan and construct water supply infrastructure for water supply.
- Participate in the district and its regional efforts for water resources management.
- Implement a water conservation program.
- Expand, construct, upgrade, and retire water treatment plants and distribution infrastructure.
- Provide for interconnections of water systems for reliability.
- Develop local water management plans.
- Fund capital improvements.

- Evaluate opportunities for public-private partnerships.

Local water management plans will need to be adopted, to include those elements shown in Table 13.2.

**Table 13.2**  
**Local Water Planning Elements**

<b>Traditional</b>	<b>Regional</b>
<ul style="list-style-type: none"> <li>• 30-year planning horizon with 5-year updates</li> </ul>	<ul style="list-style-type: none"> <li>• Water conservation</li> </ul>
<ul style="list-style-type: none"> <li>• Water treatment</li> </ul>	<ul style="list-style-type: none"> <li>• Education and public awareness activities</li> </ul>
<ul style="list-style-type: none"> <li>• Water service areas</li> </ul>	<ul style="list-style-type: none"> <li>• Water reuse inter-jurisdictional dialogue, cooperation, and resource sharing</li> </ul>
<ul style="list-style-type: none"> <li>• Transmission and distribution systems</li> </ul>	<ul style="list-style-type: none"> <li>• Drought and emergency planning</li> </ul>
<ul style="list-style-type: none"> <li>• Capital improvement plans</li> </ul>	<ul style="list-style-type: none"> <li>• Net return and consumptive use calculations</li> </ul>
<ul style="list-style-type: none"> <li>• County-wide and basin-wide perspectives, including system interconnections</li> </ul>	<ul style="list-style-type: none"> <li>• Coordination with wastewater and watershed plans (with clean water as the primary goal)</li> </ul>

Source: Metropolitan North Georgia Water Planning District. *Water Supply and Water Conservation Management Plan*. Atlanta: Atlanta Regional Commission.

The regional water plan identifies the following local planning actions needed for implementation: water management planning and review of local plans for consistency with the district plan. Senate Bill 130 mandates that local governments within the district shall implement the provisions of the district plans that apply to them. The director of EPD may also modify existing permits to make them consistent with the district plan.

### **Long-Term Wastewater Management**

The *Long-Term Wastewater Management Plan*, prepared by the Metropolitan North Georgia Water Planning District, represents a departure from existing plans by recommending consolidated facilities (i.e., fewer, more regionalized plants). It provides for local ownership and operation of wastewater facilities, but it proposes to increase inter-jurisdictional collaboration to gain efficiencies and avoid duplication.

Goals of the wastewater management plan include enhancing water quality, sustaining economic development, distributing costs equitably, measuring implementation, and advancing the education and awareness of the public.

The regional plan recommends reclaiming water to the natural environment to sustain water supply sources (indirect potable reuse). It also recommends septic system inspection and maintenance programs. Septic systems treat approximately one-fifth of the district's wastewater.

Local government implementation responsibilities will include, among others, the following:

- **Map existing facilities.** Map sewer systems by 2008.
- **Maintenance system.** Develop computerized maintenance management systems for local sewer systems by 2008. These inspection and maintenance program components need to comply with requirements of the current National Pollutant Discharge Elimination System (NPDES) Permit Program and the proposed regulations of the U.S. Environmental Protection Agency.
- **Septic tank maintenance.** Establish septic system inspection and maintenance programs, including requirements for pumping septic tanks every five years. Also, local health departments need to create databases of existing septic tank systems and establish additional septic system design requirements to supplement existing regulations of the Georgia Department of Human Resources, to make them more effective.
- **Planning.** Review local wastewater management plans for consistency with the district's plans by 2005. Develop local wastewater management plans, and integrate the district's regional plans (i.e., conform to the core principles of the Long-Term Wastewater Management Plan). Local plans need to define areas to be served by wastewater collection systems and areas that will not be served. Local planning studies involving more than one jurisdiction will be needed. Transitional areas that use septic systems may be identified until a collection system is extended at a later date (which needs to be specified). The plan recommends planning elements as summarized in Table 13.3.

**Table 13.3**  
**Local Wastewater Planning Elements**

<b>Traditional Elements</b>	<b>Regional Elements</b>
• Flow projections	• Sewer System Master Plan
• Collection	• Inter-jurisdictional projects
• Treatment technology	• Septic System Transition Plan
• Reclamation/Reuse	• Consumptive use
• Effluent management	• Coordination with water and watershed plans
• Biosolids management	
• Capital improvement plans	

Source: Metropolitan North Georgia Water Planning District. [Long-Term Wastewater Management Plan](#). Table 10-1.

- **Plant construction and decommissioning.** Expand, construct, upgrade, and retire wastewater treatment plants as called for in the plan. Plants with less than 3 MGD are proposed to be reduced (phased out) during the planning horizon.
- **System performance and reliability improvements.** Enhance the reliability of wastewater treatment plants and pumping stations. Meet Reliability Class I standards, as defined by the U.S. EPA.

- **Water reuse and reclamation.** The plan calls for reclaiming water for Lake Lanier by Forsyth, Gwinnett, and Hall Counties. The goal of Georgia's Environmental Protection Division (EPD) is to reuse 10 percent of the water withdrawn for potable and non-potable facilities.
- **Higher levels of treatment.** Higher levels of treatment will be needed to address requirements for Total Maximum Daily Loads (TMDLs), in-stream nutrient standards (EPD and EPA), and indirect potable reuse standards. To provide the necessary higher levels of treatment, local governments will need to implement advanced treatment technologies to produce reuse-quality effluent.
- **Public connection policies.** Develop public sewer connection policies, if needed.
- **Grease management.** Develop a grease management program beginning 2009.
- **Policies regarding private plants.** Develop policies and conditions for allowing private wastewater systems.
- **Promote public education and awareness.** This includes helping the district to meet the performance standard that 75 to 90 percent of the population will be reached by the year 2006 with regard to education and public awareness programs.
- **Fund capital improvements.** Approximately 345 MGD of additional treatment capacity will be needed in the district's jurisdiction by 2030.
- **Evaluate opportunities for public-private partnerships.**

#### **District-Wide Watershed Protection**

The Metropolitan North Georgia Water Planning District has approximately 1,100 miles of waterways that do not meet state water quality standards. Stormwater runoff from urban areas and nonpoint sources is the major source of water quality problems, either causing or contributing to 99 percent of violations. Many of the streams in the district do not meet their designated uses. The health of the region's lakes, including Lanier, is threatened.

The *District-Wide Watershed Management Plan* includes recommendations for source water protection that focus on addressing potential pollutant sources. Streams that do not support their designated uses are placed on a list of "impaired waters," also known as the "303(d)" list. The plan includes strategies to maintain water quality as new development occurs, encourage stormwater pollution prevention, meet Total Maximum Daily Load (TMDL) strategies, protect drinking water supply watersheds, restore substantially impacted watersheds, and govern uses in a way that meets watershed protection goals. The overall goal is to move towards meeting and maintaining water quality standards and designated uses of streams and other water bodies in the district.

Local policy recommendations of the *District-Wide Watershed Management Plan* center on resource protection, reduction of impervious cover, and septic tank management.

- **Changes to local ordinances.** Roswell's ordinances have been updated to provide sufficient protection of watersheds. The district has adopted five model ordinances



which have been implemented in Roswell. These ordinances address post-development stormwater management for new development and redevelopment, floodplain management/flood damage prevention, conservation subdivision/open space development, illicit discharge and illegal connection, and litter control. Roswell is also in compliance with the model ordinance for stream buffers. All local governments in the district are required to implement the district's Model Stormwater Management Ordinances as the first implementation milestone (O.C.G.A. 12-5-570). In addition, local governments are required by the state Erosion and Sedimentation Control Act to adopt a local erosion and sedimentation control ordinance and Best Management Practices (BMP) criteria, standards and specifications outlined in the *Manual for Erosion Control in Georgia* (Georgia Soil and Water Conservation Commission, 5<sup>th</sup> ed.). Again, Roswell complies with those requirements.

- **Education and public awareness.** Senate Bill 130 established a goal that 75 to 90 percent of the district's population will have achieved awareness of water resource protection issues by the end of 2006. This is proposed to be achieved through identifying target groups and educating them on the importance of watershed protection.
- **Water quality monitoring.** A water quality monitoring plan is included in the *District-Wide Watershed Management Plan*. Local governments will need guidance from the plan in meeting the requirements of the Phase 1 NPDES Municipal Separate Storm Sewer System (MS4) stormwater program, as well as the Georgia Environmental Protection Division's requirements for watershed assessments and the TMDL program. TMDL strategies implementation is a key priority within the first years of plan implementation.
- **Source water protection.** The plan contains actions to protect water supply watersheds.
- **Watershed improvement plans for restoration and retrofit.** Approximately 20 percent of the district's watersheds are likely to need watershed retrofit and restoration. Local governments will be required to develop a watershed improvement plan for substantially impacted watersheds (i.e., those that do not meet water quality standards and designated uses). Implementation will be costly and require several years of planning, funding, and construction. Restoration and retrofit projects will be implemented during the planning horizon (to 2030); a long period is established for implementation due to the high costs of restoration and the need for additional study to define specific requirements on a subwatershed level.
- **Training and certification programs in stormwater management.** The plan recommends that local governments adopt standard training and certification programs for site designers and engineers to assure that the standards and criteria in the *Georgia Stormwater Management Manual* (Atlanta Regional Commission 2001) are properly incorporated into future development projects.
- **Environmental magistrate.** The regional plan recommends that local governments create an official judicial mechanism to handle citations and citizen complaints regarding violations of water quality ordinances.

- **Inventory the local stormwater system.** Local governments are expected to inventory stormwater facilities and conveyance locations, elevations, outfalls, contributing drainage, receiving drainage, control structures, material types, vegetative species, and other pertinent information needed to define the kind of maintenance for stormwater facilities and conveyances.
- **Define operations and maintenance responsibilities.** All local governments are expected to define the maintenance responsibility and level of service relative to those parts of the stormwater system and types of services for which they will be responsible. This should include schedules for periodic inspections and maintenance. This also includes development of policies for private stormwater facilities.

The requirements for watershed improvement planning are shown in Table 13.4.

**Table 13.4**  
**Watershed Improvement Planning Framework**

<b>Task</b>	<b>Description</b>
Inventory Existing Systems	Identify and map drainage systems
	Identify existing BMPs and those that may be retrofitted
	Identify existing flooding and erosion problem areas
	Identify impacted areas requiring immediate action
Evaluate Retrofit and Restoration Alternatives	Develop conceptual plans
	Evaluate effectiveness and implementation constraints
	Prioritize retrofit or restoration alternatives
	Look for opportunities for multipurpose projects to share funding burden
Develop Watershed Improvement Plan	Plan for improvements to drainage systems and stream reaches
	Develop implementation schedule
	Develop cost estimates for all planned projects
Implement Watershed Improvement Plan	Initiate project improvements
	Monitor performance
Re-evaluate Program	Prepare annual reports
	Conduct use attainability analyses in areas that will clearly not meet goals

Source: Metropolitan North Georgia Water Planning District. *District-Wide Watershed Management Plan*. Table 5-7.

### **Big Creek Water Supply Watershed Protection**

This has been one of the more important and challenging areas of intergovernmental coordination Roswell has faced. The Big Creek Water Supply Watershed (see Natural Resources Element) includes six local governments: Roswell, Alpharetta, Cumming, Fulton County, Forsyth County, and Cherokee County. The City has participated in a process with other local governments and the Atlanta Regional Commission to ensure that its watershed protection efforts meet or exceed state administrative rules and regional requirements.

After many years, the Atlanta Regional Commission published a *Big Creek Watershed Study Master Plan*. The Big Creek Study was a cooperative effort among the affected jurisdictions and sponsored by the Atlanta Regional Commission.

Rules of the Georgia Department of Natural Resources, Environmental Protection Division, require protection measures for small water supply watersheds. Big Creek, as noted in the Natural Resources Element of this plan, is a water source for the City of Roswell. It should be noted that the Roswell Water Treatment Plant is proposed by the Metropolitan North Georgia Water Planning District to be decommissioned by 2030.

The entire watershed is expected to increase from 15 percent impervious in 1995 to 35 percent impervious in 2020. If this projection holds true, the Big Creek small water supply watershed will exceed the 25 percent impervious standard established by the Georgia Department of Natural Resources (DNR) in its Rules for Environmental Planning Criteria. Those rules, however, provide that an alternative standard may be approved by DNR, and the Big Creek Study was based on the premise that an alternative standard for protection would need to be developed. The Big Creek Watershed will urbanize almost completely (86% developed) by the year 2020. As of the year 2000 it was 45 percent developed.

#### **ANALYSIS OF BEST PRACTICES FOR INTERGOVERNMENTAL COORDINATION**

The *Regional Development Plan Guidebook*, published by the Atlanta Regional Commission, provides a discussion of various quality growth tools that can be implemented by local governments. For each tool, there are also suggested “best practices,” some of which pertain to intergovernmental coordination. Such best practices are further divided into those that apply at the stage of comprehensive planning, preparation of land use regulations, and development review. Table 13.5 identifies those intergovernmental coordination best practices that apply during local comprehensive planning and shows the extent to which those best practices are integrated into the Comprehensive Plan.

**Table 13.5**  
**Regional Development Plan**  
**Best Intergovernmental Coordination Practices**  
**and their Application in Roswell**

<b>Tool</b>	<b>Best Intergovernmental Coordination Practice</b>	<b>Applicability in Roswell</b>
Transit Oriented Development	The Intergovernmental Coordination Element identifies opportunities for the local government and transit provider (e.g., MARTA) for transit-oriented development.	Included in the Land Use Element and Intergovernmental Coordination Element.
Mixed-Income Housing	The Intergovernmental Coordination Element identifies potential partners in mixed-income housing community building, along with their potential roles.	Mixed-income housing is addressed in the Housing Element. Potential partners are not identified, although the Housing Element identifies other affordable housing providers that might become partners.
Retrofitting and Redeveloping Corridors	The Intergovernmental Coordination Element identifies opportunities for the local government, developers, and other agencies to support corridor retrofitting or redevelopment.	See Redevelopment Element.
Retrofitting and Redeveloping Corridors	A redevelopment agency or other entity is assigned overall coordination responsibilities for redevelopment.	See Redevelopment Element. The City's Downtown Development Authority is identified as having a potential major role in redevelopment efforts.
Greyfield Redevelopment	The Intergovernmental Coordination Element identifies opportunities for the local government, developers, and other agencies to support greyfield redevelopment.	See Redevelopment Element. The City's Downtown Development Authority is identified as having a potential major role in redevelopment efforts.
School Siting and Land Use Planning	A school board – local government interlocal agreement for facility planning exists.	See Community Facilities Element, Schools.
School Siting and Land Use Planning	A school board – local government interlocal agreement for joint facility use exists.	See Community Facilities Element, schools and parks and recreation facilities.
School Siting and Land Use Planning	A school board – local government cooperative agreement exists with regard to development and improvements needed to support school development, including cost sharing of road improvements, traffic signals, and sidewalks.	See discussion in this Intergovernmental Coordination Element.
School Siting and Land Use	The school board participates in the comprehensive planning process.	Participation by the school board's personnel was achieved in the 2020 Comprehensive Plan and is referenced in this plan update.
School Siting and Land Use	The local government has an ex-officio representative on the school board's capital facilities planning committee.	The City is not represented on such a committee.
School Siting and Land Use	One or more joint work sessions between City or county governing body and the school board are held.	This is desirable but not implemented at this time.
School Siting and Land Use	The Intergovernmental Coordination Element addresses cooperation issues and summarizes agreements.	The Intergovernmental Coordination Element complies with this recommended best practice.

## **GENERAL INTERGOVERNMENTAL COORDINATION POLICIES**

1. Resolve conflicts with other local governments through established mediation processes or other informal means.
2. Share resources and information with all government entities.
3. Ensure that goals and implementation programs of the City's Comprehensive Plan are consistent with adopted coordination mechanisms and consistent with applicable regional and State programs.

## **REFERENCES**

Association County Commissioners Georgia, Georgia Municipal Association, Georgia Department of Community Affairs, and Carl Vinson Institute of Government, The University of Georgia. 1997. *Charting a Course for Cooperation and Collaboration: An Introduction to the Service Delivery Strategy Act for Local Governments*. Atlanta: Georgia Department of Community Affairs.

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